

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1650**

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**Introduced by Assembly Member Portantino**

February 13, 2012

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An act to add Section 769 to the Public Utilities Code, relating to public utilities.

### **LEGISLATIVE COUNSEL’S DIGEST**

AB 1650, as amended, Portantino. Public utilities: emergency and disaster preparedness.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and water corporations, as defined.

Existing law, the California Emergency Services Act, authorizes local governments to create disaster councils by ordinance to develop plans for meeting any condition constituting a local emergency or state of emergency, as specified.

This bill would require the commission to establish standards for disaster and emergency preparedness plans within an existing proceeding, as specified. The bill would require an electrical corporation to develop, adopt, and update an emergency and disaster preparedness

plan, as specified. The bill would ~~impose a state-mandated local program by requiring~~ *authorize* every city, county, or city and county within the electrical corporation's service area to designate a point of contact for the electrical corporation to consult with on emergency and disaster preparedness plans. The bill would require a water company regulated by the commission to develop, adopt, and update an emergency and disaster preparedness plan, as specified. The bill would find and declare that county and city participation in the preparation of electrical corporations' emergency and disaster preparedness plans is critical to a statewide emergency response and, thus, is an issue of statewide concern.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 769 is added to the Public Utilities Code,
- 2 to read:
- 3 769. (a) The commission shall establish standards for disaster
- 4 and emergency preparedness plans within an existing proceeding,
- 5 including, but not limited to, use of weather reports to preposition
- 6 manpower and equipment before anticipated severe weather,
- 7 methods of improving communications between governmental
- 8 agencies and the public, and methods of working to control and
- 9 mitigate an emergency or disaster and its aftereffects. The
- 10 commission, when establishing standards pursuant to this
- 11 subdivision, may make requirements for small water corporations
- 12 similar to those imposed on Class A water corporations under
- 13 paragraph (2) of subdivision (f).
- 14 (b) An electrical corporation, as defined in Section 218,
- 15 providing service in California shall develop, adopt, and update
- 16 an emergency and disaster preparedness plan in compliance with

1 the standards established by the commission pursuant to  
2 subdivision (a).

3 (1) (A) In developing and adopting an emergency and disaster  
4 preparedness plan, an electrical corporation providing service in  
5 California shall invite appropriate representatives of every city,  
6 county, or city and county within that electrical corporation's  
7 service area in California to meet with, and provide consultation  
8 to, the electrical corporation.

9 (B) Every city, county, or city and county within the electrical  
10 corporation's service area in California ~~shall~~ *may* designate a point  
11 of contact for the electrical corporation to consult with on  
12 emergency and disaster preparedness plans.

13 (C) The electrical corporation shall provide the point of contact  
14 designated pursuant to subparagraph (B) with an opportunity to  
15 comment on draft emergency and disaster preparedness plans.

16 (2) For the purposes of best preparing an electrical corporation  
17 for future emergencies or disasters, an emergency and disaster  
18 preparedness plan shall address recent emergencies and disasters  
19 associated with the electrical corporation or similarly situated  
20 corporations, and shall address remedial actions for possible  
21 emergencies or disasters that may involve that corporation's  
22 provision of service.

23 (3) Every two years, in order to update and improve that  
24 electrical corporation's emergency and disaster preparedness plan,  
25 an electrical corporation providing service in California shall invite  
26 appropriate representatives of every city, county, or city and county  
27 within that electrical corporation's service area to meet with, and  
28 provide consultation to, the electrical corporation.

29 (4) For the purposes of best preparing an electrical corporation  
30 for future emergencies or disasters, an electrical corporation  
31 updating its emergency and disaster preparedness plan shall review  
32 the disasters and emergencies that have affected similarly situated  
33 corporations since the adoption of the plan, remedial actions taken  
34 during those emergencies or disasters, and proposed changes to  
35 the plan. The electrical corporation shall adopt in its plan the  
36 changes that will best ensure the electrical corporation is reasonably  
37 prepared to deal with a disaster or emergency.

38 (c) A meeting pursuant to subdivision (b) shall be noticed and  
39 shall be conducted in a public meeting that allows for the

1 participation of appropriate representatives of counties and cities  
2 within the electrical corporation's service area.

3 (1) A county participating in a meeting pursuant to subdivision  
4 (b) ~~shall~~ *may* inform each city within the county of the time and  
5 place of the meeting.

6 (2) An electrical corporation holding a meeting pursuant to  
7 subdivision (b) shall provide participating counties and cities with  
8 the opportunity to provide written and verbal input regarding the  
9 corporation's emergency and disaster preparedness plan. For  
10 purposes of this public meeting, an electrical corporation may  
11 convene a closed meeting with representatives from every city,  
12 county, or city and county within that electrical corporation's  
13 service area to discuss sensitive security-related information in the  
14 electrical corporation's emergency and disaster preparedness plan  
15 and to solicit comment.

16 (3) An electrical corporation shall notify the commission of the  
17 date, time, and location of a meeting pursuant to subdivision (b).

18 (d) An electrical corporation shall conduct a meeting pursuant  
19 to subdivision (b) no later than April 1, 2013, and every two years  
20 thereafter.

21 (e) An electrical corporation shall memorialize a meeting  
22 pursuant to subdivision (b), and shall submit its records of the  
23 meeting to the commission.

24 (f) (1) A water company regulated by the commission shall  
25 develop, adopt, and update an emergency and disaster preparedness  
26 plan in compliance with the standards established by the  
27 commission pursuant to subdivision (a). This requirement shall be  
28 deemed fulfilled when the water company files an emergency and  
29 disaster preparedness plan pursuant to another state statutory  
30 requirement.

31 (2) A water company developing, adopting, or updating an  
32 emergency and disaster preparedness plan pursuant to paragraph  
33 (1) shall hold meetings with representatives from each city, county,  
34 or city and county in the water company's service area regarding  
35 the emergency and disaster preparedness plan.

36 (g) An electrical corporation or a water corporation may fulfill  
37 a meeting requirement imposed by this section by making a  
38 presentation regarding its emergency and disaster preparedness  
39 plan at a regularly scheduled public meeting of each disaster  
40 council created pursuant to Article 10 (commencing with Section

1 8610) of Chapter 7 of Division 1 of Title 2 of the Government  
2 Code within the corporation's service area, or at a regularly  
3 scheduled public meeting of the governing body of each city,  
4 county, or city and county within the service area.

5 SEC. 2. The Legislature finds and declares that county and city  
6 participation in the preparation of electrical corporations'  
7 emergency and disaster preparedness plans is critical to a statewide  
8 emergency response and, thus, is an issue of statewide concern  
9 and not a municipal affair, as that term is used in Section 5 of  
10 Article XI of the California Constitution.

11 ~~SEC. 3. If the Commission on State Mandates determines that~~  
12 ~~this act contains costs mandated by the state, reimbursement to~~  
13 ~~local agencies and school districts for those costs shall be made~~  
14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
15 ~~4 of Title 2 of the Government Code.~~